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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 Felisa Estrada, et al.,

NO. C 09-05618 JW

11 Plaintiffs,

12 v.

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE;  
SETTING DEADLINE TO FILE MOTION  
FOR DEFAULT JUDGMENT**

13 Salyer American Fresh Foods, et al.,

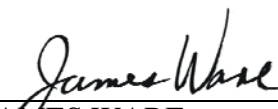
14 Defendants.  
\_\_\_\_\_ /

15 This case is scheduled for a Case Management Conference on March 29, 2010. Pursuant to  
16 the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly  
17 submitted a Joint Case Management Statement. (hereafter, "Statement," Docket Item No. 92.) In  
18 the Statement, Plaintiffs represent that the following parties were served on February 27, 2010, but  
19 have yet to file responsive pleadings: (1) Salyer American Fresh Foods, Inc., (2) SK Frozen Foods,  
20 LLC, (3) The Scott Salyer Revocable Trust, (4) Scott Salyer, individually and dba Salyer American  
21 (collectively, "Salyer Defendants"). (Statement at 2.) Plaintiffs further represent that due to the  
22 Salyer Defendants' failure to appear,<sup>1</sup> the parties have not been able to conclude meaningful  
23 discussions about issues pertaining to discovery, narrowing of issues, ADR, scheduling and trial.  
24 (Id.) The parties jointly request a continuance of the Case Management Conference until a date after  
25 the Salyer Defendants have appeared. (Id.)  
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27 <sup>1</sup> The Court notes that the time for the Salyer Defendants to serve responsive pleadings has  
28 passed. See Fed. R. Civ. P. 12(a)(1). Accordingly, on or before **April 12, 2010**, Plaintiffs shall file  
the appropriate motion for entry of default as to the Salyer Defendants if they have not yet made an  
appearance in the action.

1 In light of the Salyer Defendants' failure to appear, the Court VACATES the Case  
2 Management Conference. In its Order addressing the pending Motions to Dismiss, the Court will set  
3 a new Case Management Conference, if necessary, as to the Defendants who have made  
4 appearances.

5  
6 Dated: March 24, 2010

  
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JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: March 24, 2010**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**

**Elizabeth Garcia**  
**Courtroom Deputy**